

Docket No.: 0445-0347P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenji ANDO et al.

Application No.: 10/784,197

Confirmation No.: 9246

Filed: February 24, 2004

Art Unit: 3761

For: Absorbent article and process of producing the
same

Examiner: J. F. Stephens

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

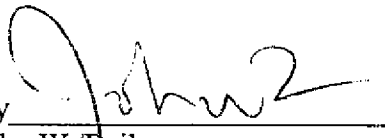
Attached is a copy of a Taiwanese Office Action and an English translation thereof dated October 13, 2008 for incorporation into the above-identified application. The references cited in the attached Office Action were previously cited in an Information Disclosure Statement filed on September 23, 2004.

The PTO is requested to make this Office Action of record in the file of the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 13, 2008

Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: Taiwanese Office Action with English Translation

OFFICE ACTION OF THE IPO**(Translation)**

Issuance Date: 13 October 2008

1. Applicant: KAO CORPORATION
2. Attorney: C. V. Chen
Address: 7th Floor, No. 201, Tun Hua North Road, Taipei

SUBJECT:

After examination, the IPO considers that the subject ROC (Taiwan) Patent Application No. 093104444 has the defects indicated in the following EXPLANATION (1). The applicant is required to file a response in duplicate by 12 January 2009 if any substantive counter-evidence or arguments are present. If the applicant fails to act according to the office action within the time limit, the IPO shall proceed with the examination on the basis of the materials on hand.

EXPLANATION:

(1) Upon examination, it is considered that:

- (a) The subject application, entitled "ABSORBENT ARTICLE AND PROCESS OF PRODUCING THE SAME," was examined according to the documents which were filed by the applicant. The subject application contains 10 claims, wherein Claims 1 and 10 are independent claims and the rest are dependent claims.
- (b) On the basis of the disclosure in Citation 1, Claims 1 and 10 do not conform to the Patent Law, Article 22, Paragraph 4:
 - i. Regarding Claim 1, Citation 1 has disclosed a disposable absorbent article having an outer sheet, an absorbent layer and an inner sheet. An inner layer is formed on the inner side of the outer sheet [0007, 0008]. A pattern sheet 15 is adhered to the outer sheet by a hot-melt type adhesive during the manufacture process [0018]. An elastically shrinking portion having elastic members is formed along a waist opening. Another elastically shrinking portion is formed along a leg opening. [Fig. 1, 0024]. Therefore, the invention of Claim 1 has been disclosed by Citation 1 and can be accomplished easily by persons skilled in the art on the basis of Citation 1. Thus, Claim 1 does not conform to the Patent Law, Article 22, Paragraph 4.
 - ii. Regarding Claim 10, Citation 1 has disclosed a pattern sheet made of a nonwoven fabric, which is an outer sheet with patterns formed by means of a hot-melt type adhesive. As shown on Figure 5, the patterns are printed on the nonwoven fabric successively at intervals and cut away at a predetermined size and then adhered between the outer sheet and the nonwoven fabric. [0041-0043]. Therefore, the invention of Claim 10 has been disclosed by Citation 1 and can be accomplished easily by persons skilled in the art on the basis of Citation 1. Thus, Claim 10 does not conform to the Patent Law, Article 22, Paragraph 4.

- (c) Reasons for objecting to claims other than those indicated in the office action were not found.
- (d) Cited document:
1. EP1078620A2, Publication date: 2001.02.28
- (2) If the applicant makes supplements/amendments to the specification or drawings according to the Enforcement Rules of the Patent Law, Article 35, a written application for such supplements or amendments in duplicate, a marked-up version of the amended specification or drawing pages in duplicate, and a clean, replacement version of the amended specification or drawing pages in triplicate shall be submitted. If the supplements/amendments cause the page numbers of the original specification or drawings to be out of succession, the whole specification or drawings with the supplements/amendments in triplicate shall be submitted.
- (3) If the applicant wishes to appear before the IPO for a face-to-face demonstration or explanation, please explicitly indicate "Interview Requested" in the response and effect the payment of a government fee of NTS1,000. The place and time for conducting an interview will be arranged if the IPO considers it necessary to conduct an interview.
- (4) Enclosed is a search report of the subject application.

SEARCH REPORT FOR PATENT APPLICATION
ROC (Taiwan) Patent Application No. 093104444
(Translation)

1. Filing Date: 23 February 2004		
2. Priority Date: 25 February 2003		
3. International Patent Classification: A61F13/15 (2006.01)		
4. Scope of Search on International Patent Classification: A61F13/15 A61F13/15 (07.)		
5. Name of Database Under Search (Keyword): TIPO domestic and foreign patent database, EPO, USPTO, JPO, China patent information database		
Relevance Code	Cited Prior Art Reference(s) and Relevant Paragraph(s)	Claim(s) of Relevance
X	1. EP 1078620A2 2001/02/28 Column [0007] ~ [0008] , [0018] , [0024] , [0026] ~ [0030] , [0034] ~ [0043] of Descriptions	1, 10
A	2. EP 1222907 A2 2002/07/17 Entire document	1-10

Explanation of Relevance Codes:

X: particularly relevant prior art reference(s), if taken alone, that can negate the novelty or inventive step of the claimed invention	A: prior art reference(s) related to general state of art	O: prior art reference(s) related to publicly use or sale or display at a trade exhibition
	D: prior art reference(s) disclosed in the specification	P: prior art reference(s) that has (have) been publicly disclosed during the time period between the priority date and the filing date of the examined patent application
Y: particularly relevant prior art reference(s), if combined with one or more other prior art references, that can negate the inventive step of the claimed invention	E: prior art reference(s) that is filed earlier but is laid open or published later than the filing date of the examined patent application	L: prior art reference(s) that is (are) cited for other reason(s)

Date of Completion: 9 October 2008

檔 號
發文人員

經濟部智慧財產局 審查意見通知函

機關地址：台北市辛亥路2段185
號3樓聯絡人：林麗芬
聯絡電話：(02)23787312
傳 真：(02)23779875105 雙掛號
臺北市松山區敦化北路201號7樓受文者：花王股份有限公司（代理人
：陳長文 先生）

發文日期：中華民國97年10月13日

發文文號：(97)智專一(六)05078字第

09720542470號

0972054247001

速 別：

密等及解密條件或保密期限：

附 件：如文

主旨：第093104444號專利申請案經審查後認有如說明一所述情事，
台端（貴公司）請於文到次日起3個月內提出申復說明（
一式2份）或修正至局。逾期未復者，本局將依現有資料續
行審查，請查照。

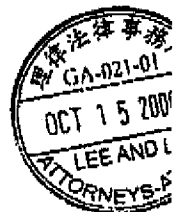
說明：

一、本案經審查認為：

（一）本案「吸收性物品及其製造方法」依申請人申請時
所送資料內容審查，經查本案申請專利範圍共10項，
其中第1及10項為獨立項，其餘為附屬項，合先敘明。

（二）依據引證1揭示內容，本案申請專利範圍第1、10項
不符專利法第22條第4項之規定。

1. 本案申請專利範圍第1項，引證1說明書揭示一可
拋棄性吸收物件，包含一外層、吸收層及一內層，
而於上述之外層內面形成有一內面層【0007，
0008】及其製造過程中，利用熱熔型接著劑將
圖樣層15黏著於外層【0018】，另設有彈性伸縮



部於腰部開口部，具有一伸縮部材，另也於腳開口部亦有彈性伸縮部，如圖1所示【0024】等技術內容，因此引證1所揭示內容，可簡單改變而輕易完成申請專利範圍第1項之發明，故不符專利法第22條第4項之規定。

2. 本案申請專利範圍第10項，引證1揭示一不織布圖樣層，是利用熱熔型接著方式而形成具有圖樣之外層，如第5圖所示，該圖樣被連續性且有間隔印刷出於不織布上，依預定尺寸大小剪斷，而黏著於外層與不織布中間【0041~0043】等技術內容，因此引證1所揭示內容，可簡單改變而輕易完成申請專利範圍第1項之發明，故不符專利法第22條第4項之規定。

(三) 本案除上述請求項外，其餘請求項暫無不予專利之事由。

(四) 引證文件：

1. 2001年2月28日EP1078620A2號。

二、如有補充、修正說明書或圖式者，依專利法施行細則第28條之規定，應備具補充、修正申請書一式2份，並檢送補充、修正部分劃線之說明書或圖式修正頁一式2份及補充、修正後無劃線之說明書或圖式替換頁一式3份；如補充、修正後致原說明書或圖式頁數不連續者，應檢附補充、修正後之全份說明書或圖式一式3份至局。

三、若希望來局當面示範或說明，請於申復說明書內註明「申請面詢」並繳交規費新台幣1千元正，本局認為有必要時，將另行通知面詢地點及時間。

四、檢送本案檢索報告1份。

經濟部智慧財產局

※

訂

線



附件

第 093104444 號專利申請案檢索報告

1. 申請日：93 年 2 月 23 日		
2. 優先權日：2003 年 2 月 25 日		
3. 本案國際專利分類號(IPC)：A61F13/15 (2006.01)		
4. 檢索國際專利分類號(IPC)範圍：A61F13/15 A61F13/15 (07.)		
5. 檢索使用資料庫名稱(關鍵詞)： TIPO 國內外專利資料庫，EPO，USPTO，JPO，中國專利訊息資料庫		
關聯性代碼	引用文獻資料與相關段落處	相關聯請求項
X	1. EP 1078620A2 2001/02/28 說明書【0007】~【0008】，【0018】，【0024】，【0026】~ 【0030】，【0034】~【0043】	1,10
A	2. EP 1222907A2 2002/07/17 全文	1~10
關聯性代碼說明： X：單獨引用即足以否定發明新穎性或進步性之特別相關的文獻。 Y：結合一或多篇其他文獻後足以否定發明進步性之特別相關的文獻。 A：一般技術水準之參考文獻。 D：說明書已記載之文獻。 E：申請在前、公開／公告在後之專利文獻。 O：公開使用、販賣或展覽陳列之文件。 P：申請日與優先權日間公開之文獻。 L：其他理由引用之文獻。		

完成日：97 年 10 月 9 日